IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1547 OF 2004

IN

SUMMARY SUIT NO.190 of 2001

Jayantilal Maganlal Brahmbhatt ... Plaintiff.

vs.

Upendra Laji Gada and another. ... Defendants.

Mr.Jayesh Bhatt, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 1st April,2005

P.C.:-

1. Heard the learned Counsel for plaintiff. Perused the order dated 10th March,2004 passed in Summons for Judgement no.561 of 2002. By that order, the Court expressed prima facie opinion about the receipts which are relied on by the defendants. In fact, conditional leave to defend the suit was granted to the defendants. Considering the provisions of Section 340 of Cr.P.C.

in my opinion, in these circumstances, it will not be in the interest of justice to launch the prosecution against the defendants. Hence, the Notice of Motion is disposed of.